

**REMARKS**

Applicants respectfully request favorable reconsideration of this application, as amended.

In the interests of receiving an expedited Notice of Allowance, and without acceding to the rejections, Claims 1, 15, 16, 21 and 21 have been amended to recite certain features of the claimed invention more clearly. Support for the aforementioned amendments may be found in the specification as originally filed. New Claims 23, 24 and 25 have been submitted for consideration. Applicant respectfully submits that the aforementioned amendments do not add new matter and better place the application in condition for allowance. Accordingly, withdrawal of the rejections if respectfully requested in light of the amendments and the remarks set forth below.

Claims 1-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bergholz (U.S. Patent 4,479,621, A). Applicant respectfully traverses this rejection.

Turning to claim 1, the cargo deck can be divided into a plurality of deck sections that are decoupled from one another in a longitudinal direction. Similarly, in another aspect as reflected in independent claim 20, cargo deck modules can be mounted in an aircraft such that play is provided between adjacent modules in a longitudinal direction of the aircraft (cf. page 4, lines 4-7 of the English specification as preliminarily amended). In the related aspect reflected in independent claim 23, a plurality of cargo deck modules define the cargo deck, at least one of the cargo deck modules being fixed to the aircraft solely at one end of the module in a longitudinal direction of the aircraft (cf. page 11, lines 20-23 of the English specification as preliminarily amended).

Via the use of the decoupled deck sections / cargo deck modules with play there between wherein the cargo deck modules are fixed only at one end to the aircraft, manufacture and assembly of the cargo deck is simplified versus a unitary cargo deck structure that must be assembled to a large degree within the aircraft itself. This modular approach thus allows the costs to be reduced. Moreover, the use of the decoupled deck sections cargo deck modules with play there between wherein the cargo deck modules are fixed only at one end to the aircraft has a positive impact on the interaction of the cargo deck with the fuselage. Specifically, tension can be prevented

between the cargo deck and the fuselage *e.g.* due to differing coefficients of expansion in a longitudinal direction of the aircraft. In this respect, it must be remembered that the fuselage of an aircraft, particularly the outer skin, is subject to extreme differences in temperature during each flight, whereas the temperature in the interior of the aircraft, including the cargo deck, is typically maintained within a relatively narrow range of temperatures. US patent 4,479,621 (Bergholz) does not recognize or address this problem. As described at col. 6, lines 4650 of Bergholz, two [adjacent] floor plates are joined to each other. Taken in conjunction with Fig. 3 of Bergholz, it is apparent that each floor plate is fastened to the fuselage at several points along the length of the floor plate / fuselage.

The aspect reflected in independent claim 24 again relates to a cargo deck module with all of the advantages of a module discussed above. The claimed aspect also includes a transverse support element having a downward-facing bearing surface at an end thereof (cf. page 8, lines 31-35 of the English specification as preliminarily amended).

The use of a bearing surface allows for fluctuation of the position of the transverse support element relative to the fuselage in a longitudinal direction of the aircraft for the advantageous reasons discussed above. In contrast, the side connections of the floor plates 12 of Bergholz do not transfer any vertical forces (cf. col. 5, lines 62-65 of Bergholz).

In the aspect reflected in independent claim 16, a cargo deck module is provided, each of the plurality of transverse support elements having a substantially planar upper surface that extends along substantially an entire length of the transverse support element and abuts a bottom portion of the elongate profile elements and a major surface of the substantially planar floor elements (cf. Fig. 2-6).

Again, the modular design simplifies assembly and reduces cost, while allowing the problem of longitudinal tensions between the cargo deck and the fuselage to be addressed. Moreover, the specifics of the claimed cargo deck module provide for simple,

modular design of the components forming the cargo deck module itself. Rather than requiring a large and complex jig and many individual steps to form a one-piece structure

(reference sign 12) comprising numerous intricate joints as shown in Fig. 4, 4a, 4b and 4c of Bergholz, the claimed substantially planar upper surfaces provided on the transverse support elements create a work surface on which the elongate profile elements and substantially planar floor elements can be directly received for simple assembly, just as a pair of sawhorses readily receives a board *e.g.* to form a simple workbench. If need be, the cargo deck module can be removed from the aircraft and one or more of the elements forming the cargo deck module can be fairly easily replaced without requiring replacement of the entire cargo deck module. The one-piece floor plate 12 of Bergholz cannot be disassembled and reassembled without compromising the overall structural integrity thereof, if at all.

Each of the independent claims recites features relating to the fastening of floor elements to profile elements. This fastening of the floor elements to the profile elements improves the ability of the cargo deck module to suitably transfer / dissipate loads applied to any region of the cargo deck and acting in a longitudinal direction of the aircraft, without increasing the number of major parts required. Such an embodiment is thus efficient in terms of both weight and cost. At the same time, the longitudinal strength and specific construction associated with this fastening of the floor elements to the profile elements combine synergetically with the advantageous features discussed in the preceding paragraphs. Longitudinal strength is necessary if the modules are to be decoupled from one another and/or fastened to the fuselage at but one end of the respective module. The fastening of the floor elements to the profile elements is simplified by the provision of a substantially planar upper surface on the transverse support elements.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance and should now be passed to issue.

A Notice of Allowance is respectfully solicited.

#### **CONCLUSION**

Applicant notes that this response is being filed concurrently herewith a Request for Continued Examination (RCE) with the accompanying fee, along with a petition for a one-month extension of time and its fee. Consideration of both the RCE and extension of time is respectfully requested.

If any additional extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 50-2036.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'S. Fabry', is written over a horizontal line.

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